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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,486	03/07/2002	Dean Moses	VIGN1690-3	9466

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EXAMINER

DONAGHUE, LARRY D

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/091,486

Applicant(s)

MOSES ET AL.

Examiner

Larry D. Donaghue

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03/08/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,11-22,26-32,34-38,43,46 and 59-88 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-7, 11-22,26-32,34-38,43,46 and 59-88 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 1,3-7,11-22,26-32,34-38,43,46 and 59-88 are presented for examination.

2. This application presents a claim for subject matter not originally claimed or embraced in the statement of the invention. The claims were amended to include the collecting of an individual export file into a group export file and the extraction of the individual export file from the group export file. A supplemental oath or declaration is required under 37 CFR 1.67. The new oath or declaration must properly identify the application of which it is to form a part, preferably by application number and filing date in the body of the oath or declaration. See MPEP §§ 602.01 and 602.02. Since a supplemental oath is not necessary to further consideration of the claims, the Applicants may request that this objection be held in abeyance as per the provisions of 37 C.F.R. 1.111(b).

3. The summary of the invention is objected to under 37 C.F.R. 1.73 because it is not commensurate with the invention as claimed. In particular, the summary of the invention does not describe the newly added features to the independent claims that require the filing of a new oath or declaration.

The abstract is objected to under 37 C.F.R. 1.72(b) for failing to describe the nature or gist of the invention. In particular, the abstract does not describe the newly added features to the independent claims that require the filing of a new oath or declaration.

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 3-7,11-22,26-32,34-38,43,46 and 59-88 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1, 3-7,11-22,26-32,34-38,43,46 and 59-88, are directed to a program, per se, not embodied on a medium which would enable the functionality of the program to be realized. As such, they are non-statutory. Claims 4 and 12 fix the problem, since their spec does not provide any evidence that they intend computer-readable recording medium to be anything broader than what would allow the functionality of the code to occur.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3-7,11-22,26-32,34-38,43,46 and 59-88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Developing Applications with JRun, Allaire Corp., pp. I to xxvi, 1-13, 378-413, May 10, 2001, hereinafter the JRun Manual, in view of Douglas, G., Web Browser File Uploading to EAS Server, Sybase, pp. 1-5, January 15, 2001.

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Regarding claim 1, the JRun Manual teaches the invention substantially as claimed by disclosing a method comprising:

Designating a component intended for export (p. 381 web application as component);

Storing assets of the component designated in an individual export file (p. 381 and 390 - either WAR file or JAR file as individual export file); Collecting the individual export file into a group export file (pp. 408-409 EAR as group export file); Extracting the individual export file from the group export file (p. 408 JRun explodes WAR files contained in EAR file and JRIJN deploys EJB JAR files);

Extracting the assets of the component from the individual export file to a plurality of locations on the system at the remote location (pp. 409 and 411); and the JRun Manual teaches a method further comprising collecting the assets of the designated component (pp. 381-383).

Wherein the assets include file assets and non-file assets configured to operate on the system (pp. 408-411 showing expansion of WAR files into directory structure as file assets and deploying the JAR files and application.xmlfile as non-file assets).

The JRun Manual teaches that a EAR file/group export file is deployed (p. 408) but does not explicitly teach a method wherein the export file is transferred to a system at a remote location and the extracted assets are stored on the system at the remote location.

Douglas on the other hand teaches a method wherein the export file is transferred to a system at a remote location and the extracted assets are stored on the system at the remote location (pp. 1-5 uploading file from client to server).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the JRun Manual's single system to transfer the export file from the client/development system to a remote system/server because it would allow development to occur on a system separate from the remote system/server, thus increasing the reliability of the JRun Manual's web application.

Regarding claim 3, the JRun Manual teaches a method further comprising querying a local system to identify the component designated for export (pp. 381-387).

Regarding claim 4, the JRun Manual teaches a method wherein the collecting the assets further comprises constructing the non-file assets as an XML fragment with a predetermined structure (pp. 409-410 application.xml file).

Regarding claim 5, the JRun Manual teaches a method further comprising parsing the XML fragment (pp. 409-410 where parsing is implicit in the use of the XML file).

Regarding claim 6, the JRun Manual teaches a method further comprising instantiating the non-file assets (pp. 408-411).

Regarding claim 7, the JRun Manual teaches a method wherein the non-file assets include servlets. As to the particular limitations at issue in claim 7, it is well known in the art that servlets perform these functions. It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to have the servlets of the JRun Manual perform their ordinary functions in a web application.

Regarding claims 16-22 and 51-52, they are computer readable media claims corresponding to method claims 1-7. Since they do not teach or define above the information in the corresponding method claims, they are rejected under the same basis.

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Regarding claims 23-25, they are computer readable media claims corresponding to method claims 8-10 and 49-50, respectively. Since they do not teach or define above the information in the corresponding method claims, they are rejected under the same basis.

Regarding claims 26-29, they are computer readable media claims corresponding to method claims 11-15, respectively. Since they do not teach or define.

above the information in the corresponding method claims, they are rejected under the same basis.

Regarding claims 30-32 and 34-38, they are apparatus claims corresponding to method claims 1,3-7. Since they do not teach or define above the information in the corresponding method claims, they are rejected under the same basis.

Regarding claims 43 and 46, they are apparatus claims directed to just the remote system of system claims 30-38, respectively. Since the remarks given above with respect to claims 30-32 and 34-38 apply equally to claims 43 and 46, they will not be repeated.

As to claims 59-88, as applicant has failed expressly define the claims over the art of record, they fail to teach or define above or beyond claims recited in the rejection above.

7. Applicant's arguments filed 03/08/2005 have been fully considered but they are not persuasive.

8. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Applicant arguments fail to address the combination.

9. Applicant's arguments with respect to claims 59-88, do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

10. Applicant's arguments, with respect to claims 59-88, fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

11. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., applicant attempt's to read the definition of terms into the claims without showing the specification, limits the term to that usage) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

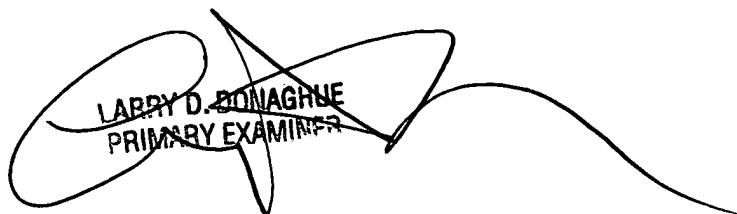
Vignette Corporation	Vignette Application Portal
Montalbano	Epicentric Buys Web-Services Tool Company
Unknown	Epicentric Foundation Server Wins "2001 Product of the year" award from CMP Media's Transform Magazine
Epicentric, Inc.	Tech Note- Configuring LDAP with Netscape Directory Server 4.1 for Epicentric Foundation Server 3.5- JNDI Full Mode
Emmerich et al.	Implementing Incremental Code Migration with XML
Schrefl et al.	Self-Maintaining Web Pages – Overview
Padmanabhan et al.	The Content and Access Dynamics of a Busy Web Site: Findings and Implications
DataChannel,	Looking Under the Hood: Datachannel Server's Intelligent eXtensible Architecture (IXA)
Challenger et al.	A Publishing System for Efficiently Creating Dynamic Web Content
Choi,	A Few Tips for Good XML Design
Iyengar et al.	High-Performance Web Site Design Techniques
Callenger et al.	A Scalable and Highly Available System for Serving Dynamic Data at Frequently Accessed Web Sites
Flesner et al.	US-2002/0194267
Anuff et al.	US-2002/0029296
Christfort et al.	US-2002/0078168

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Larry D. Donaghue whose telephone number is 571-272-3962. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, consisting of a large, stylized 'L' and 'D' followed by a long horizontal stroke.

LARRY D. DONAGHUE
PRIMARY EXAMINER